

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KYLIE STEELE,	)	Case No. 19-cv-05553-BHS
	)	
Plaintiff,	)	<b>DEFENDANT NATIONAL</b>
	)	<b>RAILROAD PASSENGER</b>
v.	)	<b>CORPORATION’S REPLY IN</b>
	)	<b>FURTHER SUPPORT OF MOTION</b>
NATIONAL RAILROAD PASSENGER	)	<b>FOR STAY OF EXECUTION</b>
CORPORATION, d/b/a AMTRAK,	)	<b>PURSUANT TO FED. R. CIV. P.</b>
	)	<b>62(B)</b>
Defendants.	)	
	)	<b>NOTE ON MOTION CALENDAR:</b>
	)	<b>JANUARY 7, 2022</b>

Defendant National Railroad Passenger Corporation (“Amtrak”) files this reply in further support of its motion for stay of execution.

Plaintiff does not object to a stay of execution, but its contention that a superseadas bond of 1.75 times the judgment amount lacks support. As previously stated in Amtrak’s moving brief, a bond of 1.25 to 1.5 times the judgment is typical. The amount requires analysis of the judgment plus interest, costs, and an estimate of any damages attributed to the delay, if any. 11 Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 2905 (3d ed., August 2019 Update). Plaintiff has not given any reason why a bond of 1.75 times the judgment would be appropriate. She has not even given a breakdown or given an estimate of any damages that may be attributed to the delay.

In fact, the rate for post judgment interest is governed by statute and the “interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year

1 constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve  
2 System, for the calendar week **preceding the date of judgment.**” 29 U.S.C. § 1961 (emphasis  
3 added). The judgment in this case was entered on November 23, 2021. Dkt. 88. The applicable  
4 post judgment interest is therefore 0.18%. Declaration of Andrew G Yates, January 7, 2021, at  
5 ¶ 2 and Ex. A attached thereto.

6 Furthermore, a bond of 1.25 times the judgment would be consistent with what this Court  
7 has ordered in a Related Case. *See Wilmotte v. NRPC*, 2:18-cv-00085-BHS, Dkt. 152.  
8 Accordingly, a bond of 1.25 times the judgment in the amount of \$8,593,750 is appropriate.

9 DATED this 7th day of January, 2022.

10 LANE POWELL PC

11  
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